

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TY MAYBERRY, an individual,

Plaintiff,

v

Case No. \_\_\_\_\_

Hon. \_\_\_\_\_

ACRISURE WALLSTREET PARTNERS,  
LLC, d/b/a WALLSTREET GROUP and/or  
ACRISURE WALLSTREET GROUP, a  
Michigan limited liability company, and  
ACRISURE, LLC, a Michigan limited liability  
company,

Defendants.

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**NOTICE OF REMOVAL**

Defendants, Acrisure Wallstreet Partners, LLC d/b/a Wallstreet Group and/or Acrisure Wallstreet Group (“Acrisure Wallstreet”) and Acrisure, LLC (“Acrisure”), through their attorneys, Miller, Canfield Paddock & Stone, PLC, gives notice of removal of this action from the Kent County Circuit Court, where it is currently pending, to the United States District Court Western District of Michigan, Southern Division, pursuant to 28 U.S.C. §§1332, 1441 and 1446, and states the following in support of such removal:

1. On January 27, 2021, Ty Mayberry (“Mayberry”) filed a Complaint and Jury Demand against Acrisure Wallstreet Partners, LLC d/b/a Wallstreet Group and/or Acrisure

Wallstreet Group (“Acrisure Wallstreet”) and Acrisure, LLC (“Acrisure”) entitled *Ty Mayberry v Acrisure Wallstreet Partners, LLC, et al.*, Case No.: 21-00837-CK in the Kent County Circuit Court (Honorable Curt A. Benson, presiding) (the “State Court Action”). Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings and orders received by Defendants in the State Court Action are included with this Notice of Removal as **Exhibit 1**.

2. Defendant Acrisure Wallstreet Partners, LLC was served with a copy of the Summons and Complaint, on March 12, 2021. (A copy of the service documents on Defendant are included in Exhibit 1).

3. Removal of this action is timely as Defendants have filed this Notice of Removal within thirty (30) days of the date on which Defendants received a copy of the Summons and Complaint. *See* 28 U.S.C. §1446.

4. This is an action between citizens of different states and complete diversity of citizenship exists between the parties as follows:

- a. Mayberry is an individual and a citizen of the State of Missouri.
- b. Acrisure Wallstreet is a Michigan limited liability company. The sole member of Acrisure Wallstreet is Acrisure LLC, a Michigan limited liability company. Acrisure LLC’s sole member is Acrisure Intermediate, Inc., a Delaware corporation principally conducting business in Michigan.
- c. For the purposes of diversity jurisdiction, Acrisure Intermediate, Inc. is citizen of Delaware and Michigan because citizenship of a corporation is determined by its state of incorporation and the state where its principal place of business is located. *See* 28 U.S.C.A. § 1332.
- d. Similarly, Acrisure Wallstreet and Acrisure LLC are citizens of Delaware and Michigan because the citizenship of a limited liability company is determined by the citizenship of each member. *See Delay v. Rosenthal Collins Grp.* 585 F.3d 1003, 1005 (6th Cir. 2009).
- e. In this breach of contract action, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. The face of the Complaint pleads a request for compensatory damages; emotional distress damages;

and other employment benefits, including prospective retirement benefits, holiday and vacation pay; and other promotional and fringe benefits of said employment; and attorneys' fees. Defendants are permitted to demonstrate, through a fair reading of the complaint, that the unspecified damages sought will exceed \$75,000.00, if proven. *See Hayes v. Equitable Energy Resources Co.*, 266 F.3d 560, 573 (6th Cir. 2001).

5. Therefore, the United States District Court Western District of Michigan has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a).

6. Kent County is situated in the Southern Division of the United States District Court Western District of Michigan.

7. Thus, pursuant to 28 U.S.C. §1441(a), this Court is the appropriate forum to entertain this Notice of Removal.

8. A copy of this Notice of Removal with accompanying Exhibits and separate Notice of Filing of Notice of Removal will be served upon Plaintiff and Plaintiff's counsel and filed with the Clerk of the Kent County Circuit Court in accordance with the provisions of 28 U.S.C. § 1446(d). *See Exhibit 2.*

9. In filing this Notice of Removal, Defendants do not waive any defenses available in this action.

WHEREFORE, Defendants file their Notice of Removal, removing the State Court Action from the Kent County Circuit Court to the United States District Court Western District of Michigan Southern Division.

Respectfully submitted,

/s/ Leigh Schultz

Dated: April 9, 2021

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